

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WINSTON NAJEE REED,

Plaintiff

Case No. 3:23-cv-00656-RCJ-CSD

ORDER

v.

CALVIN JOHNSON, et al.,

Defendants

On December 21, 2023, pro se plaintiff Winston Reed, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). The IFP application is incomplete because Plaintiff did not use the Court’s approved form application and failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period with it. (ECF No. 1). Additionally, the Court’s mail to Plaintiff is being returned as undeliverable, noting that Plaintiff is no longer housed at Ely State Prison. (ECF Nos. 3, 4). Based on the Complaint, it appears that Plaintiff is presently housed at High Desert State Prison. (ECF No. 1-1 at 1).

**I. LEGAL STANDARDS**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both

the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

Additionally, Nevada Local Rule IA 3-1 provides that a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number.” “The notification must include proof of service on each opposing party or the party’s attorney.” Nev. Loc. R. IA 3-1. And “[f]ailure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” *Id.*

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff’s incomplete application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has **until March 18, 2024**, to either pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate’s two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the previous six-month period.

It is further ordered that Plaintiff has **until February 19, 2024**, to file an updated address with the Court.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file an updated address with the court and either file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 The Clerk of the Court is directed to send Plaintiff Reed the approved form  
2 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
3 retain the complaint (ECF No. 1-1) but not file it currently.

4 The Clerk of the Court is directed to send Plaintiff Reed courtesy copies of this  
5 order, the Court's approved form application to proceed *in forma pauperis* and instructions  
6 for the same, the advisory letter (ECF No. 2), and Plaintiff's initiating documents (ECF  
7 Nos. 1, 1-1, 1-2) by delivering the same to High Desert State Prison's law library.

8 DATED THIS 18th day of January 2024.

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10 UNITED STATES MAGISTRATE JUDGE  
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